

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DAVID LEE,

Plaintiff,

v.

RAYMOND BROTHERS, IAM SPORTS &
ENTERTAINMENT, INC., and
INTERNATIONAL ATHLETE
MANAGEMENT, INC.,

Defendants.

CIVIL ACTION NO. _____

Formerly in the Supreme Court of the State
of New York, County of New York
Index No. 153042/2021

May 11, 2021

NOTICE OF REMOVAL

TO THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT
OF NEW YORK, AND TO PLAINTIFF DAVID LEE, AND HIS COUNSEL OF RECORD:

PLEASE TAKE NOTICE that the defendants, Raymond Brothers, IAM Sports & Entertainment, Inc., and International Athlete Management, Inc. (“Defendants”), hereby notice the removal of the above-captioned action from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, and state that the removal is proper for the reasons below.

I. BACKGROUND

1. On March 29, 2021, the plaintiff, David Lee (“Plaintiff”), filed a complaint dated March 29, 2021 (the “Complaint”) with the Supreme Court of New York, County of New York, and assigned index number 153042/2021. The Complaint was served upon all three Defendants on April 14, 2021. Attached hereto as Exhibit A is a true and correct copy of the Summons and Complaint together with all other pleadings, process and orders served on Defendants. The

Complaint is incorporated by reference in this notice without admitting the allegations contained therein.

2. The Complaint contains three counts against Defendants, namely (1) tortious interference with contract; (2) aiding and abetting tortious interference with contract; and (3) negligence *per se*. (See Exhibit A.)

II. TIMELINESS OF REMOVAL

3. Defendants were served with a copy of this Complaint on April 14, 2021. Therefore, this Notice of Removal is timely as it was filed within 30 days of the Defendant's receipt of a copy of the Complaint, in compliance with 28 U.S.C. § 1446(b). *See Murphy Bros. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 119 S. Ct. 1322, 1324, 143 L. Ed. 2d 448 (1999) ("A named defendant's time to remove is triggered by simultaneous service of the summons and complaint, or receipt of the complaint, 'through service or otherwise,' after and apart from service of the summons, but not by mere receipt of the complaint unattended by any formal service.").

III. JURISDICTION AND GROUNDS FOR REMOVAL

4. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a). 28 U.S.C. § 1332(a) provides in relevant part: "[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States."

5. Plaintiff David Lee is a resident and domicile of the State of New York. (See Complaint ¶10.)

6. Defendant Raymond Brothers is a resident and domicile of the State of California. (See Complaint ¶11.)

7. Defendant IAM Sports & Entertainment, Inc., is a corporation organized and existing under the laws of the State of California with a principal place of business located at 2351 Applewood Lane, Santa Rosa Valley, California, 93012. (*See* Complaint ¶12.)

8. Defendant International Athlete Management, Inc., is a corporation organized and existing under the laws of the State of California with a principal place of business located at 2351 Applewood Lane, Santa Rosa Valley, California, 93012. (*See* Complaint ¶13.)

9. Therefore, complete diversity of citizenship exists because Plaintiff is a citizen of New York and Defendants are all citizens of California.

10. The alleged amount in controversy in this action exceeds \$75,000. 28 U.S.C. § 1446(c)(2) provides, in relevant part, that “[i]f removal of a civil action is sought on the basis of the jurisdiction conferred by section 1332(a), the sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy” 28 U.S.C. § 1446(c)(2). Plaintiff’s Complaint alleges damages of at least \$191,124.44. (*See* Complaint ¶63.) Therefore, the amount in controversy exceeds \$75,000.

11. Defendants reserve the right to amend or supplement this Notice of Removal or to present additional arguments in support of their entitlement to removal.

12. No admission of fact or liability is intended by this Notice of Removal, and all defenses, affirmative defenses, and motions are hereby reserved.

IV. VENUE

13. This action was originally brought in the Supreme Court of the State of New York, County of New York, and venue thus lies in this Court pursuant to 28 U.S.C. §§ 1441 and 1446(a).

V. NOTICE OF REMOVAL

14. Defendants will provide written notice of the filing of this Notice of Removal to Plaintiff and will file a copy of the Notice of Removal with the Clerk of the Supreme Court of the State of New York, County of New York, pursuant to 28 U.S.C. § 1446(d).

15. In compliance with 28 U.S.C. § 1446(a), attached hereto as Exhibit A are copies of the state court papers served herein, including the Summons and Complaint.

WHEREFORE, Defendants pray that this civil action be removed from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

Respectfully submitted,

THE DEFENDANTS,
RAYMOND BROTHERS, IAM SPORTS &
ENTERTAINMENT, INC., and
INTERNATIONAL ATHLETE
MANAGEMENT, INC.

BY THEIR ATTORNEYS
CUMMINGS & LOCKWOOD LLC

/s/ John F. Carberry
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CERTIFICATE OF SERVICE

I, John F. Carberry, attorney for Defendants, do hereby certify that this NOTICE OF REMOVAL and all attachments thereto were mailed May 11, 2021, via first class mail, postage prepaid, to the following:

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Attorneys for Plaintiff

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